

# TRANSMITTAL FORM

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Total Number of Pages in This Submission 33

Application Number 10/627,194

Filing Date 07/24/2003

First Named Inventor Sankar Sambasivan

Art Unit 1775

Examiner Name Robert R. Koehler

Attorney Docket Number 7125

## ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☒ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/  
Incomplete Application

☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a  
Provisional Application

☐ Power of Attorney, Revocation  
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

**Remarks**

☐ After Allowance Communication to TC

☐ Appeal Communication to Board  
of Appeals and Interferences

☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)  
(please identify below):

•Statement for Information Disclosure  
Statement Under 37 C.F.R. 1.97(e)

•Transmittal of Information Disclosure  
Statement within Three Months of Filing or  
Before Mailing of First Office Action

•Copies of foreign patent documents

•Information Disclosure statement by  
Attorney Regarding References

•Copy of International Search Report

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Reinhart Boerner Van Deuren s.c.

Signature

*Antonia M. Holland*

Printed Name Antonia M. Holland

Date

February 16, 2005

Reg.  
No.

53,840

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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*Linda Gabriel-Kasulke*

Typed or printed name Linda Gabriel-Kasulke

Date

2/16/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 1170571

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Reinhart Boerner Van Deuren s.c.

By: Linda Gabriel-Kasulke  
Linda Gabriel-Kasulke

Date: February 16, 2005

## PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 1775

EXAMINER: ROBERT R. KOEHLER

( In re application of: Sankar )  
( Sambasivan )  
( )  
Application No: 10/627,194 )  
( )  
Filed: July 24, 2003 )  
( )  
Attorney Docket No. 7125 )  
( )  
Customer No. 22922 )

For: ALUMINUM PHOSPHATE  
COMPOUNDS,  
COMPOSITIONS, MATERIALS  
AND RELATED METAL  
COATINGS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 16, 2005

### TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 CFR 1.97(b))

**NOTE:** "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

**NOTE:** The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a),

are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the International preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

## IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing.

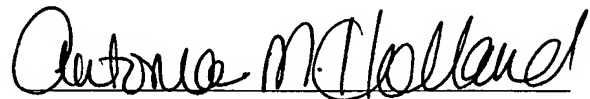
**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirement (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

Dated: February 16, 2005  
Reg. No. 53,840  
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SIGNATURE OF ATTORNEY

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1000 North Water Street, Suite 2100

Attn: Linda Gabriel, Docket Clerk

Milwaukee, WI 53202

**CUSTOMER NO. 22922**



**PATENT**

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Reinhart Boerner Van Deuren s.c.

BY:

Linda Gabriel-Kasulke

Dated: February 16, 2005

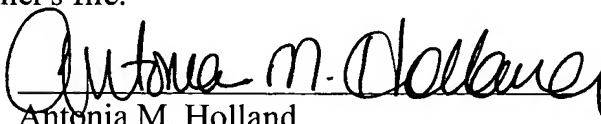
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Sankar Sambasivan	)	Group Art No.: 1775
	)	
Serial No.: 10/627,194	)	Examiner: Robert R. Koehler
	)	
Filed: July 24, 2003	)	Atty Docket No. 7125
	)	
For: ALUMINUM PHOSPHATE	)	
COMPOUNDS, COMPOSITIONS,	)	
MATERIALS AND RELATED	)	
METAL COATINGS	)	

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**STATEMENT FOR INFORMATION DISCLOSURE UNDER 37 C.F.R. § 1.97(e)**

1. This statement is being made for the Information Disclosure Statement accompanying this statement.
2. I, the person(s) signing below state:  
  
that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(2).
3. The person making this statement is the practitioner who signs below on the basis of the information in the practitioner's file.

  
Antonia M. Holland

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**PATENT APPLICATION**

Reinhart Boerner Van Deuren s.c.

By: Linda Gabriel-Kasulke

Linda Gabriel-Kasulke

Date: February, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 1775

EXAMINER: Robert R. Koehler

In re application of: Sankar Sambasivan

Application No: 10/627,194

Filed: July 24, 2003

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) For: ALUMINUM PHOSPHATE  
) COMPOUNDS, COMPOSITIONS,  
) MATERIALS AND RELATED METAL  
) COATINGS

February 16, 2005

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT BY ATTORNEY REGARDING REFERENCES

Sir:

On behalf of Applicant and pursuant to 37 C.F.R. § 1.97-.98, three foreign patents that may be relevant are listed on PTO/SB/08a are hereby presented for consideration. The documents listed on sheet 1 of 1 were cited in a PCT search report (copy enclosed) for the corresponding PCT patent application serial no. PCT/US03/36976. Copies of the documents listed on sheet 1 of 1 are enclosed.

However, English-language translations of Japanese documents JP 64-36774 and JP 2-142881 are neither within the possession custody or control of the Applicant, nor readily available to the Applicant. Applicant submits English abstracts of these references, as provided by the PCT International Searching Authority.

Respectfully submitted,

BY Antonia M. Holland

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